



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,934	12/27/2000	Kurt L. Arehart		2058

27997 7590 12/31/2002

PRIEST & GOLDSTEIN PLLC
5015 SOUTHPARK DRIVE
SUITE 230
DURHAM, NC 27713-7736

EXAMINER

GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
----------	--------------

3628

DATE MAILED: 12/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/748,934

Applicant(s)

AREHART, KURT L.

Examin r

Clement B Graham

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 27 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 are remained and 21-24 has been added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan et al U.S. Patent No. 5,673,402.

As per claims 1, 3, 5-6, 21, Ryan et al discloses a central processing unit in a digital computer is at the heart of the system. The central processing unit can access a database into which data is written and from which data is read. That data includes information regarding life insurance, mortgage information, actuarial information, insurance premium information, and predetermined text data for incorporation into the combined mortgage and insurance illustrations. To assist the user in entering the appropriate data, a series of data comprising a "form" is displayed on the user's terminal by the central processing unit, and the user will normally proceed to enter pertinent information in the blanks provided. This information constitutes such things as the

Art Unit: 3628

potential borrower's name and address, the amount of the mortgage requested, the amount of life insurance coverage required, the individual's personal tax rate, the number of points required by the lending institution, the individual's age, sex, and health status, and any other information necessary in providing an illustration of a mortgage using life insurance as collateral. This information is correlated via the central processing unit, resulting in the generation of premium quotation and mortgage illustration information. This information is then displayed at the user's terminal and can be printed out on the user's printer. Thus, in a matter of minutes, a prospective applicant is apprised of information pertinent to the mortgage such as (but not limited to) what the up-front payment and monthly payments would be for the mortgage if life insurance is used as collateral. Once data called for by the "form" is entered into the computer system at the user's keyboard, a client information file or database record (hereinafter "client file") is established which will be variously updated as the user conducts sensitivity analyses of the impact of different insurance and loan related assumptions on the ultimate amount of the up-front payment and the mortgage. Once the prospective applicant decides to apply for a life insurance policy and loan, a final version of the illustration is saved by the user in a master database file for later retrieval and processing. (Note abstract and see column 7 lines 30-65 and column 8 lines 5-10 of Ryan et al). Ryan disclose a computer is programmed to make calculations of loan and insurance values. (See column 18 lines 25-35). Ryan et al does not explicitly state calculating a maximum dollar amount of a house purchase price that the borrower can afford without using mortgage insurance. The Examiner asserts that in most financial

Art Unit: 3628

calculation a user has a choice of taking into account the insurance data when calculating a maximum affordable house. Doing the same in the system of Ryan et al would have been obvious to one of ordinary skill in the art at the time the invention was made for that simple reason. Providing the results to the user would have been the next logical or obvious step since the user would have been anxious to know the calculated affordable price. It should be noted that purchases usually provide all or portion of an affordable price using cash amount.

As per claims 2, 4, Ryan et al discloses the system also provides many tables for product-specific data such as mortality tables, expense charges, interest rates, and other insurance related data. These tables can be used to store the different components of the carriers' products. The system can use front-end network gateways to connect multiple carriers' computers to the Digital Computer. (See column 23 lines 20-35 of Ryan et al). Ryan et al 's system is also applicable to the Internet.

As per claims 7-8, It would have been obvious to one of ordinary skill in the art at the time the invention was made that calculating the projected home equity after a predetermined periods of time or calculating the cumulative projected future home equity for years one through ten are common functions in the art. The benefit would have been to calculate home equity for given periods of time to determine a result.

As per claims 9, 11, 13-14, 22, Ryan et al discloses a central processing unit in a digital computer is at the heart of the system. The central processing unit can access a database into which data is written and from which data is read. That data includes information regarding life insurance, mortgage information, actuarial information, insurance premium information, and predetermined text data for incorporation into the

Art Unit: 3628

combined mortgage and insurance illustrations. Plural terminals are provided for communicating with the central processing unit, each terminal having input means, such as a keyboard, and a display, such as a cathode ray tube (CRT) or a video display terminal (VDT). Each terminal is operable by a user to produce requests and to enter information and/or retrieve information for writing into and/or reading from the database via the central processing unit. The central processing unit provides a means for enabling access to the database in response to predetermined information entered at the terminal by the user and is suitably programmed to recognize particular authorizations. In accordance with one desirable aspect of the invention, information regarding a life to be insured and other data needed to provide illustrations of a mortgage using life insurance as collateral for that individual is keyed into the central processing unit by a system user using a keyboard at a video display terminal. To assist the user in entering the appropriate data, a series of data comprising a "form" is displayed on the user's terminal by the central processing unit, and the user will normally proceed to enter pertinent information in the blanks provided. This information constitutes such things as the potential borrower's name and address, the amount of the mortgage requested, the amount of life insurance coverage required, the individual's personal tax rate, the number of points required by the lending institution, the individual's age, sex, and health status, and any other information necessary in providing an illustration of a mortgage using life insurance as collateral. This information is correlated via the central processing unit, resulting in the generation of premium quotation and mortgage illustration information. This information is then displayed at the

Art Unit: 3628

user's terminal and can be printed out on the user's printer. Thus, in a matter of minutes, a prospective applicant is apprised of information pertinent to the mortgage such as (but not limited to) what the up-front payment and monthly payments would be for the mortgage if life insurance is used as collateral. Once data called for by the "form" is entered into the computer system at the user's keyboard, a client information file or database record (hereinafter "client file") is established which will be variously updated as the user conducts sensitivity analyses of the impact of different insurance and loan related assumptions on the ultimate amount of the up-front payment and the mortgage. Once the prospective applicant decides to apply for a life insurance policy and loan, a final version of the illustration is saved by the user in a master database file for later retrieval and processing. (Note abstract and see column 7 lines 30-65 and column 8 lines 5-10 of Ryan et al). Ryan disclose a computer is programmed to make calculations of loan and insurance values. (See column 18 lines 25-35). Ryan et al does not explicitly teach calculating a maximum dollar amount of a house purchase price based upon an optimal loan to value ratio achievable using mortgage insurance or constrained by the cash available to borrower to close or constrained by income. It would have been obvious to one of ordinary skill in the art at the time the invention was made that the teachings of Ryan et al could be applied using mortgage insurance in order to calculate a maximum dollar amount of a house purchase price based upon an optimal loan to value ratio achievable using mortgage insurance with consideration of the borrower's income and cash available constraints. The benefit would have been to calculate a mortgage payment that a borrower can afford.

As per claims 10, 12, Ryan et al discloses the system can be designed so that

Art Unit: 3628

the same computer can be used to provide product illustrations for the insurance products of different carriers the system offers maximum flexibility so that it may accommodate virtually any life insurance policy and/or annuity. In a preferred embodiment of the invention, the system also provides many tables for product-specific data such as mortality tables, expense charges, interest rates, and other insurance related data. These tables can be used to store the different components of the carriers' products. Product specific "flags" or identifiers in the insurance computation formulas can be used to provide maximum flexibility in the way the system makes insurance computations. This allows the system to offer a method of customizing computations that are common to all life insurance products. This feature also makes it possible for a single computer to efficiently provide multiple life insurance product illustrations for multiple life insurance carriers the system can use front-end network gateways to connect multiple carriers' computers to the Digital Computer. (See column 23 lines 20-35 of Ryan et al). Ryan et al does not explicitly teach Internet connection for connecting the computer to a remote website for downloading software components and mortgage insurance information. It would have been obvious to one of ordinary skill in the art at the time the invention was made to perform the teachings of Ryan et al in order to use a internet connection for connecting the computer to a remote website for downloading software components and mortgage insurance information. The benefit would have been for immediate access to mortgage insurance information.

As per claims 15-16, It would have been obvious to one of ordinary skill in the art at the time the invention was made that calculating the projected home equity after a

Art Unit: 3628

predetermined periods of time or calculating the cumulative projected future home equity for years one through ten are common functions in the art. The benefit would have been to calculate home equity for given periods of time to determine a result.

As per claims 17-20, It would have been obvious to one of ordinary skill in the art at the time the invention was made reviewing calculator assumptions and accessing background information on each variable and making changes to model assumptions are common functions in the art. The benefit would have been to review the calculated assumption and accessing each variable further making changes to the model assumptions.

As per claim 23, Ryan et al discloses a central processing unit in a digital computer is at the heart of the system. The central processing unit can access a database into which data is written and from which data is read. That data includes information regarding life insurance, mortgage information, actuarial information, insurance premium information, and predetermined text data for incorporation into the combined mortgage and insurance illustrations. To assist the user in entering the appropriate data, a series of data comprising a "form" is displayed on the user's terminal by the central processing unit, and the user will normally proceed to enter pertinent information in the blanks provided. This information constitutes such things as the potential borrower's name and address, the amount of the mortgage requested, the amount of life insurance coverage required, the individual's personal tax rate, the number of points required by the lending institution, the individual's age, sex, and health status, and any other information necessary in providing an illustration of a mortgage using life insurance as collateral. This information is correlated via the central

Art Unit: 3628

processing unit, resulting in the generation of premium quotation and mortgage illustration information. This information is then displayed at the user's terminal and can be printed out on the user's printer. Thus, in a matter of minutes, a prospective applicant is apprised of information pertinent to the mortgage such as (but not limited to) what the up-front payment and monthly payments would be for the mortgage if life insurance is used as collateral. Once data called for by the "form" is entered into the computer system at the user's keyboard, a client information file or database record (hereinafter "client file") is established which will be variously updated as the user conducts sensitivity analyses of the impact of different insurance and loan related assumptions on the ultimate amount of the up-front payment and the mortgage. Once the prospective applicant decides to apply for a life insurance policy and loan, a final version of the illustration is saved by the user in a master database file for later retrieval and processing. (Note abstract and see column 7 lines 30-65 and column 8 lines 5-10 of Ryan et al). Ryan disclose a computer is programmed to make calculations of loan and insurance values. (See column 18 lines 25-35). Ryan et al does not explicitly state calculating a maximum dollar amount of a house purchase price that the borrower can afford without using mortgage insurance. The Examiner asserts that in most financial calculation a user has a choice of taking into account the insurance data when calculating a maximum affordable house. Doing the same in the system of Ryan et al would have been obvious to one of ordinary skill in the art at the time the invention was made for that simple reason. Providing the results to the user would have been the next logical or obvious step since the user would have been anxious to know the calculated

Art Unit: 3628

affordable price. It should be noted that purchases usually provide all or portion of an affordable price using cash amount.

As per claim 24, Ryan et al discloses a central processing unit in a digital computer is at the heart of the system. The central processing unit can access a database into which data is written and from which data is read. That data includes information regarding life insurance, mortgage information, actuarial information, insurance premium information, and predetermined text data for incorporation into the combined mortgage and insurance illustrations. To assist the user in entering the appropriate data, a series of data comprising a "form" is displayed on the user's terminal by the central processing unit, and the user will normally proceed to enter pertinent information in the blanks provided. This information constitutes such things as the potential borrower's name and address, the amount of the mortgage requested, the amount of life insurance coverage required, the individual's personal tax rate, the number of points required by the lending institution, the individual's age, sex, and health status, and any other information necessary in providing an illustration of a mortgage using life insurance as collateral. This information is correlated via the central processing unit, resulting in the generation of premium quotation and mortgage illustration information. This information is then displayed at the user's terminal and can be printed out on the user's printer. Thus, in a matter of minutes, a prospective applicant is apprised of information pertinent to the mortgage such as (but not limited to) what the up-front payment and monthly payments would be for the mortgage if life insurance is used as collateral. Once data called for by the "form" is entered into the computer system at the user's keyboard, a client information file or database record (hereinafter

"client file") is established which will be variously updated as the user conducts sensitivity analyses of the impact of different insurance and loan related assumptions on the ultimate amount of the up-front payment and the mortgage. Once the prospective applicant decides to apply for a life insurance policy and loan, a final version of the illustration is saved by the user in a master database file for later retrieval and processing. (Note abstract and see column 7 lines 30-65 and column 8 lines 5-10 of Ryan et al). Ryan disclose a computer is programmed to make calculations of loan and insurance values. (See column 18 lines 25-35). Ryan et al does not explicitly state calculating a maximum dollar amount of a house purchase price that the borrower can afford without using mortgage insurance. The Examiner asserts that in most financial calculation a user has a choice of taking into account the insurance data when calculating a maximum affordable house. Doing the same in the system of Ryan et al would have been obvious to one of ordinary skill in the art at the time the invention was made for that simple reason. Providing the results to the user would have been the next logical or obvious step since the user would have been anxious to know the calculated affordable price. It should be noted that purchases usually provide all or portion of an affordable price using cash amount.

Response to Arguments

4. Applicant's arguments files on 9/27/02 have been fully considered but they are not persuasive for the following reasons.

5. In response to applicant's arguments regarding Ryan.

In response to Applicant's arguments that the reference does not teach or suggest" calculating a maximum dollar amount of a house purchase price based upon

an optimal loan to value ratio achievable using mortgage insurance or constrained by the cash available to borrower to close or constrained by income" this limitation is disclosed by Ryan where it states a computer is programmed to make calculations of loan and insurance values. (See column 18 lines 25-35). The Examiner asserts that in most financial calculation a user has a choice of taking into account the insurance data when calculating a maximum affordable house. Doing the same in the system of Ryan et al would have been obvious to one of ordinary skill in the art at the time the invention was made for that simple reason. Providing the results to the user would have been the next logical or obvious step since the user would have been anxious to know the calculated affordable price. It should be noted that purchases usually provide all or portion of an affordable price using cash amount.

In response claim 1 and 9 to income" this limitation is disclosed, Applicant's is redirected to the above stated claims, as stated Ryan disclose where it states a computer is programmed to make calculations of loan and insurance values. (See column 18 lines 25-35). Ryan et al does not explicitly teach calculating a maximum dollar amount of a house purchase price based upon an optimal loan to value ratio achievable using mortgage insurance or constrained by the cash available to borrower to close or constrained by income. It would have been obvious to one of ordinary skill in the art at the time the invention was made that the teachings of Ryan et al could be applied using mortgage insurance in order to calculate a maximum dollar amount of a house purchase price based upon an optimal loan to value ratio achievable using mortgage insurance with consideration of the borrower's income and cash available

Art Unit: 3628

constrains. The benefit would have been to calculate a mortgage payment that a borrower can afford.

In response claim 2,4 Ryan et al discloses the system also provides many tables for product-specific data such as mortality tables, expense charges, interest rates, and other insurance related data. These tables can be used to store the different components of the carriers' products. The system can use front-end network gateways to connect multiple carriers' computers to the Digital Computer. (See column 23 lines 20-35 of Ryan et al). Ryan et al 's system is also applicable to the Internet.

In response to claims 7-8, It would have been obvious to one of ordinary skill in the art at the time the invention was made that calculating the projected home equity after a predetermined periods of time or calculating the cumulative projected future home equity for years one through ten are common functions in the art. The benefit would have been to calculate home equity for given periods of time to determine a result.

In response to claims 9, 11, 13-14, Ryan et al discloses a central processing unit in a digital computer is at the heart of the system. The central processing unit can access a database into which data is written and from which data is read. That data includes information regarding life insurance, mortgage information, actuarial information, insurance premium information, and predetermined text data for incorporation into the combined mortgage and insurance illustrations. Plural terminals are provided for communicating with the central processing unit, each terminal having input means, such as a keyboard, and a display, such as a cathode ray tube (CRT) or a video display terminal (VDT). Each terminal is operable by a user to produce requests and to enter information and/or retrieve information for writing into and/or reading from the database

via the central processing unit. The central processing unit provides a means for enabling access to the database in response to predetermined information entered at the terminal by the user and is suitably programmed to recognize particular authorizations. In accordance with one desirable aspect of the invention, information regarding a life to be insured and other data needed to provide illustrations of a mortgage using life insurance as collateral for that individual is keyed into the central processing unit by a system user using a keyboard at a video display terminal. To assist the user in entering the appropriate data, a series of data comprising a "form" is displayed on the user's terminal by the central processing unit, and the user will normally proceed to enter pertinent information in the blanks provided. This information constitutes such things as the potential borrower's name and address, the amount of the mortgage requested, the amount of life insurance coverage required, the individual's personal tax rate, the number of points required by the lending institution, the individual's age, sex, and health status, and any other information necessary in providing an illustration of a mortgage using life insurance as collateral. This information is correlated via the central processing unit, resulting in the generation of premium quotation and mortgage illustration information. This information is then displayed at the user's terminal and can be printed out on the user's printer. Thus, in a matter of minutes, a prospective applicant is apprised of information pertinent to the mortgage such as (but not limited to) what the up-front payment and monthly payments would be for the mortgage if life insurance is used as collateral. Once data called for by the "form" is entered into the computer system at the user's keyboard, a client information file or

Art Unit: 3628

database record (hereinafter "client file") is established which will be variously updated as the user conducts sensitivity analyses of the impact of different insurance and loan related assumptions on the ultimate amount of the up-front payment and the mortgage. Once the prospective applicant decides to apply for a life insurance policy and loan, a final version of the illustration is saved by the user in a master database file for later retrieval and Processing. (Note abstract and see column 7 lines 30-65 and column 8 lines 5-10 of Ryan et al). Ryan disclose a computer is programmed to make calculations of loan and insurance values. (See column 18 lines 25-35). Ryan et al does not explicitly teach calculating a maximum dollar amount of a house purchase price based upon an optimal loan to value ratio achievable using mortgage insurance or constrained by the cash available to borrower to close or constrained by income. It would have been obvious to one of ordinary skill in the art at the time the invention was made that the teachings of Ryan et al could be applied using mortgage insurance in order to calculate a maximum dollar amount of a house purchase price based upon an optimal loan to value ratio achievable using mortgage insurance with consideration of the borrower's income and cash available constrains. The benefit would have been to calculate a mortgage payment that a borrower can afford.

In response to claim 10, 12, Ryan et al discloses the system can be designed so that the same computer can be used to provide product illustrations for the insurance products of different carriers the system offers maximum flexibility so that it may accommodate virtually any life insurance policy and/or annuity. In a preferred embodiment of the invention, the system also provides many tables for product-specific data such as mortality tables, expense charges, interest rates, and other insurance

related data. These tables can be used to store the different components of the carriers' products. Product specific "flags" or identifiers in the insurance computation formulas can be used to provide maximum flexibility in the way the system makes insurance computations. This allows the system to offer a method of customizing computations that are common to all life insurance products. This feature also makes it possible for a single computer to efficiently provide multiple life insurance product illustrations for multiple life insurance carriers the system can use front-end network gateways to connect multiple carriers' computers to the Digital Computer. (See column 23 lines 20-35 of Ryan et al). Ryan et al does not explicitly teach Internet connection for connecting the computer to a remote website for downloading software components and mortgage insurance information. It would have been obvious to one of ordinary skill in the art at the time the invention was made to perform the teachings of Ryan et al in order to use a internet connection for connecting the computer to a remote website for downloading software components and mortgage insurance information. The benefit would have been for immediate access to mortgage information.

In response to 15-16, It would have been obvious to one of ordinary skill in the art at the time the invention was made that calculating the projected home equity after a predetermined periods of time or calculating the cumulative projected future home equity for years one through ten are common functions in the art. The benefit would have been to calculate home equity for given periods of time to determine a result. In response to claim 17-20, It would have been obvious to one of ordinary skill in the art at the time the invention was made reviewing calculator assumptions and

Art Unit: 3628

accessing background information on each variable and making changes to model assumptions are common functions in the art. The benefit would have been to review the calculated assumption and accessing each variable further making changes to the model assumptions.

6. Note is taken by the examiner that should the applicant find objectionable any statements made herein by the examiner regarding inherency, implicitness, obviousness, or Official Notice, Applicant can make a proper challenge to those statements only by providing adequate information or argument so that on its face it creates a reasonable doubt regarding the circumstances justifying those statements: a simple response requesting a reference without doing so, or a response that fails to logically refute the basic assumptions underlying the justification, will result in an improper and failed challenge and those unchallenged statements will remain the record of the case. Applicants must seasonably challenge those statements in the first response following an Office Action. If an applicant fails to do so, his right to challenge them is waived.

7. In response to applicant arguments against the references individually, one cannot show nonobviousness by attacking the reference individually where the rejections are based on a combination of references. See *In Keller*, 642 F.2d, 208 USPQ 871 (CCPA 1981); *In re Merk & Co.*, 800 F.2d 1091, 231 USPTQ 375 (Fed. Cir. 1986).

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Art Unit: 3628

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication from the examiner should be directed to Clement Graham at (703) 305-1874. The examiner can normally be reached on Monday, Tuesday, and Wednesday from 5:30AM. to 6:00PM.

9. If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Frantz Poinvil can be reached on (703) 305-7979.

The Official Fax Number for TC-3600 is: (703) 305-7687

Clement Graham

Patent Examiner

December 5, 2002

F. Poinvil
PATENT EXAMINER
Art 3628